

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MANUEL BAEZ,

Plaintiff,

v.

C.O. HENRY, *et al.*,

Defendants.

No. 4:21-CV-00728

(Chief Judge Brann)

ORDER

APRIL 11, 2022

In accordance with the accompanying Memorandum Opinion, **IT IS**

HEREBY ORDERED that:

1. Defendants' motion to dismiss Plaintiff's Fourteenth Amendment due process claims in favor of the more specific provision of the Eighth Amendment, Doc. 38, is **GRANTED**.
2. Plaintiff's Fourteenth Amendment due process claims are **DISMISSED** from the above captioned action.
3. Defendants shall **FILE** an answer or appropriate pretrial motion addressing Plaintiff's Eighth Amendment claims, on or before May 2, 2022.
4. Plaintiff's motions, filed in opposition to Defendants' motion to dismiss, Docs. 39, 42, are **DENIED**.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge